

EXHIBIT F

EXHIBIT 2
UNREDACTED VERSION
OF DOCUMENT SOUGHT
TO BE SEALED

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
CISCO SYSTEMS, INC.,
Plaintiff,
vs. Case No. 5:14-cv-05344-BLF
(PSG)
ARISTA NETWORKS, INC.
Defendant.

CISCO CONFIDENTIAL/ARISTA CONFIDENTIAL
OUTSIDE ATTORNEYS' EYES ONLY
VIDEO DEPOSITION OF TERRY EGER
Palo Alto, California
Wednesday, May 25, 2016
Volume I

REPORTED BY:
REBECCA L. ROMANO, RPR, CSR No. 12546
JOB NO. 2320115
PAGES 1 - 122

1 THE DEPONENT: Not that -- 10:38:07

2 MR. FERRALL: -- in my view doesn't
3 comport with the law, so you can --

4 THE DEPONENT: Not --

5 MR. FERRALL: -- go ahead. 10:38:11

6 THE DEPONENT: -- not that I can think
7 of.

8 Q. (By Mr. Pak) When she was working for
9 Cisco after the acquisition by Crescendo, did she
10 discuss with you any confidential aspects of 10:38:21
11 Cisco's business?

12 A. No. Never. That's a given.

13 In fact, to be honest with you, in most
14 instances, I never ask [sic] her what her job was
15 or what position she held in the company. I know 10:38:34
16 that she ran some groups. I -- I know that
17 Chambers loved her, because he used to tell me.
18 That's about as much as I know.

19 Q. Same question: With respect to her work
20 at Arista, did she share any confidential aspects 10:38:49
21 of her work at Arista?

22 A. She's --

23 MR. FERRALL: Objection. Vague and
24 ambiguous. Lacks foundation.

25 THE DEPONENT: She was -- she was the 10:38:59

1 CEO. I mean, everybody works for her. 10:39:01

2 I don't know. Other than that, no. I
3 don't know anything. If you're -- if you're asking
4 me if -- if I have done anything, I have tried to
5 help a couple of her salespeople people -- people 10:39:19
6 that I know, but that's about as far as it goes.

7 Q. (By Mr. Pak) Yeah, we'll get into that
8 as well, Mr. Eger, but what I'm asking you right
9 now on the record is: Did -- did Ms. Ullal share
10 with you any confidential information relating to 10:39:29
11 Arista Networks?

12 A. I don't know what "confidential
13 information" is. You've got to -- you've got to
14 define "confidential information" for me before I
15 can answer that question. 10:39:39

16 Q. Okay. So let's break that down.
17 So, Mr. Eger, has Ms. Ullal, in the past,
18 shared with you any confidential product designs?

19 A. No.

20 Q. Okay. 10:39:49

21 A. I wouldn't understand them anyway.

22 Q. You are not an engineer?

23 A. I am not an engineer. I have a degree in
24 personnel management from Duquesne University.

25 D-U-Q-U-E-S-N-E. Duquesne University, Pittsburgh, 10:40:00

1 Pennsylvania. 10:40:07

2 Q. Have you ever done --

3 A. With a minor in finance.

4 Go ahead.

5 Q. Have you ever done any type of product 10:40:12

6 design?

7 A. No.

8 Q. Have you ever done type of software

9 engineering?

10 A. If you're asking me if I can write a few 10:40:18

11 lines of code, the answer is yes. If you're asking

12 me if I have ever designed a product, that, again,

13 depends upon your definition.

14 I have -- when I was at Cisco, I used to

15 go out and look -- talk to customers and prospects 10:40:31

16 about features and capabilities that they wanted in

17 the product, and I could go back and I could -- and

18 I understand software and product well enough to be

19 able to communicate those requirements to an

20 engineer. 10:40:51

21 Now, did I ever design product? The

22 answer is no.

23 Q. Okay.

24 A. But -- but -- but when Len Bosack told me

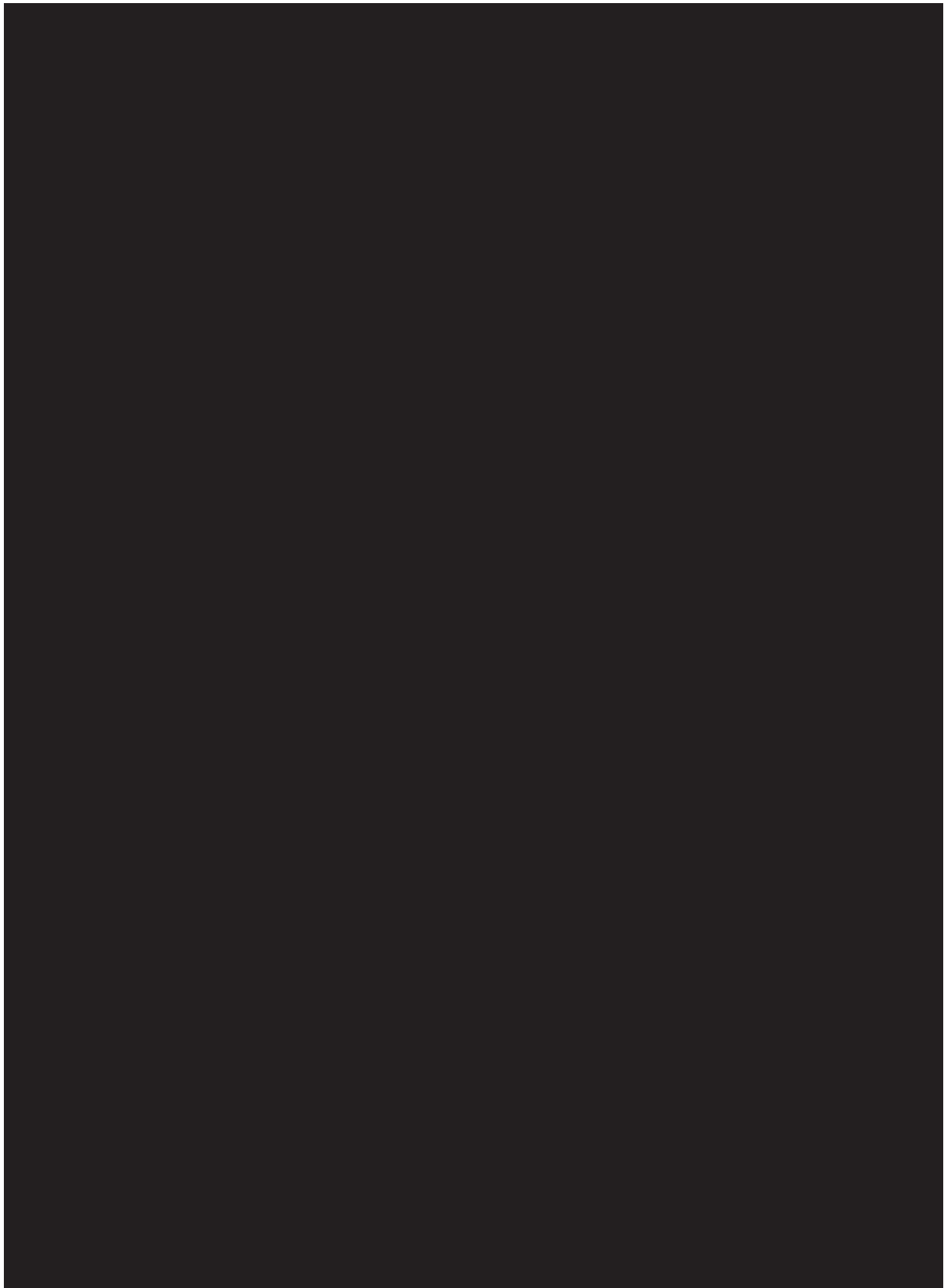
25 you couldn't route S&A, I was able to get up and 10:40:59

1 draw on it because there was no packet. It wasn't 10:41:03
2 packetized. I got up and drew the packets for them
3 on the board, and all the engineers laughed.
4 So, yes, I understand, but I am not a
5 design engineer. 10:41:13
6 Q. And I take it, sir, that you have not
7 designed any router hardware --
8 A. I have never --
9 Q. -- or such --
10 A. -- designed router hardware. I have 10:41:19
11 never designed router software.
12 Q. Okay. Have you ever designed any type of
13 command-line interface technology?
14 A. No.
15 Q. Okay. And have you ever designed any 10:41:32
16 operating systems?
17 A. No.
18 In fact -- in fact, let me go a step
19 further because you're going to ask me the question
20 later anyway. Okay? 10:41:44
21 MR. FERRALL: Doesn't mean he won't ask
22 it again, but go ahead.
23 THE DEPONENT: To me -- to me, command
24 line -- you know, CLIs, to me, when I was at Cisco,
25 were telenetting to the box and being able to 10:41:54

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configure it. We didn't even call them CLIs.

10:41:59



1 Q. Have you ever actually seen any Arista 10:43:10

2 switches in operation --

3 A. I have never as much as seen the product,

4 I don't think. Nobody's ever shown me. Nobody's

5 every demo'ed it to me. It's a data center switch. 10:43:21

6 Q. Mr. Eger, have you ever seen any of

7 manuals -- the users manual that Arista has

8 published --

9 A. No, I have not.

10 MR. PAK: And just, again, I'll just 10:43:30

11 remind you, for the record, it's important for you

12 to allow me to finish my questions, and I will try

13 to do the same --

14 THE DEPONENT: Okay.

15 MR. PAK: -- with your answers. I 10:43:36

16 understand this is not a normal conversation, so I

17 appreciate your cooperation.

18 THE DEPONENT: And I'm not a normal

19 person, so go ahead.

20 Q. (By Mr. Pak) So let's go back. 10:43:49

21 Have you ever seen any Product

22 Requirements Documents --

23 A. No.

24 Q. -- on any Arista switches?

25 A. No. 10:43:59

1 Q. With respect to this lawsuit, has 10:44:05
2 Ms. Ullal shared with you any confidential
3 information about this case?

4 A. What are you talking about?

5 Q. Has she shared with you any legal 10:44:15
6 strategy or confidential information related to
7 this case?

8 A. Other than saying to me, "Will you
9 testify?" and information on who -- would I go down
10 and talk to everybody? No. 10:44:42

11 Q. Did she discuss with you any of Arista's
12 stated defenses in this case?

13 A. No.

14 Q. Has anyone at Arista or any of the
15 lawyers involved on the Arista side shared with you 10:45:06
16 the testimony of various witnesses from --

17 A. No.

18 Q. -- within this case?

19 A. In fact, I have tried to see. I have
20 tried to see what Greg said, because I would like 10:45:16
21 to go have lunch with him. Greg wanted to have
22 lunch when he was here, and I was in
23 southern California, but I've since decided to stay
24 away from everybody.

25 Q. Were you given access to any of the 10:45:29

1 deposition transcripts? 10:45:31

2 A. No. I have seen nothing. Hell, I can't
3 read anyway.

4 Q. Mr. Eger, were you told what Arista's
5 witnesses have said -- 10:45:46

6 A. No.

7 Q. -- on the record?

8 Okay. Did you read the complaint --

9 A. No.

10 Q. -- that was filed -- again, it's gonna be 10:45:55
11 important for me to --

12 A. Okay.

13 Q. -- ask the questions so we have a clear
14 record, so I ask for your patience.

15 Mr. Eger, were you given access to the 10:46:04
16 complaint that was filed by Cisco in this case?

17 A. No.

18 Q. Have you ever seen that complaint?

19 A. No.

20 I didn't read the deposition you people 10:46:21
21 sent me.

22 Q. Do you know that Cisco is asserting two
23 patents in this case?

24 A. I know that -- I know that there's some
25 patent stuff -- which case? 10:46:41

1 Q. The Northern District of California. 10:46:43

2 A. The -- the -- the one that this is in.

3 The answer is no. I thought it was all copyright.

4 Q. So until today, no one had told you that
5 there were two patents that Cisco was asserting 10:47:00
6 related to CLI technology in this case?

7 A. I assumed that there were copyright
8 issues, and this is -- was primarily copyright
9 thing.

10 The patents, I don't know anything about. 10:47:15

11 I -- I -- I knew -- I knew that there were some
12 patent stuff that was going on in New York or
13 somewhere else. That's as much -- and I don't know
14 what's come out of that or -- or -- and -- and I
15 have had no discussions to any of that. I know 10:47:30
16 that that's going on.

17 Q. Were you aware that Cisco had sued Arista
18 at the International Trade Commission in
19 Washington, DC, for violation of patents?

20 A. Again, I thought that -- I asked, 10:47:45
21 somewhere along the line -- there are other things
22 going on -- well, I -- I know where I got it. I
23 got it in the meeting that I had, and either it was
24 the Cisco attorney or it was Amy that -- that I
25 said, "I don't understand this thing," and somebody 10:48:07

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1 said, "Well, there is lawsuits on whatever and 10:48:11
2 patent infringement," and I thought it was
3 New York, Washington, wherever, but that
4 information was not given to me by anybody from
5 Arista. That information was given to me by either 10:48:24
6 the -- the Cisco legal counsel in that room where I
7 voluntarily testified, or whatever, or talked to
8 them, or Amy that I believe works for you people.

9 Q. We'll get into that as well.

10 But before any conversations that you had 10:48:41
11 Cisco lawyers or Arista lawyers, were you aware
12 that Cisco had brought lawsuits against Arista at
13 the International Trade Commission?

14 A. No, I was not.

15 Q. Were you aware that the International 10:48:54
16 Trade Commission administrative law judge had found
17 that Arista had infringed on --

18 A. I was told that in that meeting --

19 Q. Okay. Just --

20 A. -- where I voluntarily testified. 10:49:06

21 Q. Let me finish.

22 Before any conversations that you had
23 with Cisco or Arista lawyers, were you aware that
24 the International Trade Commission judge had found
25 that Arista had infringed certain patents owned by 10:49:21

1 this company has done all these things against 11:33:25

2 you -- or against them, so you need to go in -- if

3 it was me, I would go into my contact and I would

4 say to them, 'Did you see Cisco sued us?' And then

5 I would sit back and see what they said, because 11:33:44

6 you have got to be able to get your message across

7 at your level because, very likely, their boss is

8 going to come to them, because they call at a

9 higher level than you do and gonna ask questions.

10 So you need to make sure that your person can 11:34:00

11 answer the questions."

12 And I said -- I would say to them, you

13 know, "If they said, 'Well, jeez, no. I would make

14 sure that they understood things like

15 indemnification and all the legal things that go on 11:34:13

16 with it,' but I would also try to portray it as,

17 jeez, we have such a great product, and they can't

18 compete with us in the marketplace, so they're

19 going to sue us." I said, "I would try to put that

20 message across, if it was me, because you are in a 11:34:30

21 sales game."

22 And by the way, I learned from -- from as

23 much as anything else when I left IBM and went to

24 work for Wang Laboratories or other people. You

25 found that -- that they could call at a 11:34:44

1 chairman-of-the-board level and you were down with 11:34:47
2 somebody who very likely would throw you off the
3 bridge or off the boat if they thought,
4 politically, you weren't acceptable. So you need
5 to protect yourself. 11:34:59

6 Q. What else --

7 A. And I have said that to other companies.
8 I have said that before.

9 Go ahead.

10 Q. What else did you tell them, if you 11:35:07
11 recall?

12 A. That's basically it. I mean, everything
13 sort of revolves around that. Nothing specific to
14 Cisco. I don't even understand what the product
15 number is that Cisco competes with Arista with. 11:35:21

16 Q. Just to be clear, you did not sit down
17 and try to understand the merits of each side's
18 positions in the case?

19 A. I don't know whose are better. I mean, I
20 have told -- I have been told that Arista has a 11:35:34
21 better product. I have been told that by Arista.
22 Okay? I don't know what that means. I mean,
23 normally in the industry -- look, I'm smart enough
24 to understand that it's cheaper, faster, more
25 density, you know. Other than looking at the 11:35:48

1 product, I don't -- I've never seen an Arista 11:35:51
2 product. I don't know the specs of the Arista
3 product. I don't know what it competes with at
4 Cisco.

5 Q. So just to be clear, you have never 11:36:02
6 personally conducted a comparison of --

7 A. I have --

8 Q. -- Arista's switches --

9 A. I have not.

10 Q. -- versus -- 11:36:08

11 A. I have not.

12 Q. -- Cisco switches?

13 Okay. With respect to the lawsuits, you
14 haven't sat down and said, "These are the claims
15 from Cisco" -- 11:36:17

16 A. I have not.

17 Q. -- "these are the Arista defenses. What
18 do I think is right or wrong?" You haven't done
19 that assessment?

20 A. I have not. 11:36:27

21 Q. Okay. And you haven't been given access
22 to any kind of legal documentation --

23 A. No, I have never seen anything.

24 Q. So what you are --

25 A. I apologize. 11:36:34

1 Q. So what you are doing, Mr. Eger, is just 11:36:34
2 giving generalized advice that you would give to
3 any company that is in a lawsuit?

4 A. That's correct.

5 Q. Okay. Nothing specific to the Cisco 11:36:39
6 versus Arista dispute particularly?

7 A. Let me think. That is correct.

8 Q. Okay.

9 A. The specifics -- I don't know that that's
10 correct. It depends upon, again, how you define 11:36:57
11 it.

12 The specifics that I am giving is how
13 Cisco built the company and the strategy that we
14 used of compatibility and interoperability, because
15 I did that. Now, if that is -- I don't know what 11:37:17
16 that is.

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1 of them out of Stanford. We got some of them out 11:45:34
2 of all types of situations, because part of
3 interoperability that we pitched was the ability to
4 use Telenet to the box, configure it, and
5 everything ran in a network together. That is a 11:45:49
6 fact.

7 Now, do I believe that Cisco created some
8 CLIs? Sure I do. Do I believe that maybe Juniper
9 created a few? Sure I do. I don't know. Do I
10 believe that a lot of other people created them? 11:46:08
11 Yes.

12 So the answer that I have is: Everybody
13 did it. I don't -- I don't know why it's a problem
14 now.

15 Q. (By Mr. Pak) Let's be very specific, 11:46:26
16 sir.

17 What I'm asking you is: As a factual
18 matter, do you have an understanding --

19 A. My --

20 Q. Let me -- let me -- 11:46:33

21 A. No.

22 Q. -- ask my question.

23 As a factual matter, do you have an
24 understand, one way or the other, whether Arista
25 engineers copied Cisco's command-line interface 11:46:40

1 commands? 11:46:44

2 A. I do not.

3 Q. Do you have an understanding, as a

4 factual matter, whether Arista engineers copied the

5 screen outputs -- 11:46:51

6 A. I do not.

7 Q. -- of Cisco switches?

8 A. I have never seen any of that. I've

9 never looked at any of it.

10 Q. Do you have an understanding, as a 11:46:58

11 factual matter, whether Arista engineers examined

12 Cisco switches in order to copy the command outputs

13 and commands during --

14 A. No, I do not.

15 MR. PAK: I'm going to introduce my first 11:47:17

16 exhibit for the day, which is Exhibit 1111.

17 (Exhibit 1111 was marked for identification by

18 the court reporter and is attached hereto.)

19 Q. (By Mr. Pak) By the way, so while we

20 wait for the exhibit, you understand that you were 11:47:52

21 provided with a subpoena asking for any

22 documents that you --

23 A. Yes. I don't have any.

24 Q. Okay. Okay. So --

25 A. I don't -- it doesn't mean anything to 11:48:06

1 me. Why do I care? 11:48:07

2 Q. So, Mr. Eger, I'm going to just show you
3 this document to see if you have seen it or have
4 any relevant information about what's here.

5 So I'm just going to ask you to take a 11:48:18
6 quick look. This is your Deposition Exhibit 1111.

7 Do you know what these are?

8 A. Do I know what they are? Sure I know
9 what they are.

10 Q. What are they? 11:48:32

11 A. But guess what? I know what they are
12 because I have PCs at home, and I basically use
13 command-level interface, periodically, to go in and
14 deal with an issue on my PC.

15 I mean, have I ever seen these at Cisco 11:48:47
16 or Arista or anywhere else? The answer is no.

17 Q. Okay.

18 A. But guess what? I realize what they are
19 because of what the deposition is about.

20 Q. Do you have any relevant information with 11:49:05
21 respect to the specific commands that are used by
22 Cisco switches and routers as listed in Exhibit 1,
23 these specific commands? Do you have any relevant
24 information about these particular commands?

25 A. The answer is I don't know. You haven't 11:49:21

1 given me enough information that I can answer that 11:49:23
2 question.

3 Q. Okay. So let's take a look at, for
4 example, in the middle there, there's a command
5 call "BGP client-to-client-reflection." 11:49:31

6 A. Well, let me ask you question, and I -- I
7 know I'm not supposed to ask questions, but --

8 Q. Yeah, you can't ask me a question.

9 A. What's that?

10 Q. You can't ask me a question. 11:49:40

11 A. Well, unless you define who created it
12 and -- and -- and the documentation on whether this
13 was a copied by Cisco/VITALink command, whether
14 this came from -- from Ungermann-Bass, whether this
15 came from the -- the Butterflies that were built 11:49:54
16 with BB&N, unless you can explain the context to me
17 of where it originally came from or whether it was
18 written by -- there's so many people that have
19 written some of these, I -- I can't comment on it.

20 Q. So sitting here today, all I can ask you 11:50:12
21 is ask you questions about what you know.

22 A. I know nothing about it.

23 Q. Okay. So you know nothing about what the
24 commands that are specifically in Exhibit 1 are?

25 A. No. I don't know who created them -- 11:50:23

1 Q. Okay. 11:50:24

2 A. -- or whether they were copied or whether
3 they were whatever. I don't know.

4 Q. You never investigated that issue,
5 correct? 11:50:27

6 A. Nope.

7 Q. You haven't seen any confidential
8 documents on that issue?

9 A. No.

10 Q. You haven't seen any deposition testimony 11:50:32
11 about that?

12 A. No.

13 Q. You haven't seen any of the interrogatory
14 responses on that?

15 A. No. 11:50:36

16 Q. You weren't asked by Arista to
17 investigate those issues --

18 A. No.

19 Q. -- whatsoever? Okay.

20 While you were at Cisco, did you create 11:50:40
21 any CLI commands for --

22 A. I did not.

23 Q. Okay. Was that even within your area of
24 responsibilities --

25 A. No. 11:50:53

1 And -- and to be honest with you, other 12:01:32
2 people may have some of it. I don't. It just is
3 unimportant to me. Plus, it was so rudimentary at
4 the time.

5 Q. So you have this conversation with 12:01:53
6 Ms. Ullal after your sales presentation where he --
7 she asks you to potentially testify in this case;
8 is that correct?

9 A. Yes.

10 Q. And do you recall, roughly, when that 12:02:07
11 conversation took place?

12 A. No.

13 You know, I -- I -- I hate getting tied
14 down because you are going to find out I'm wrong,
15 you know? I mean, I -- I don't know. I mean, it's 12:02:19
16 probably six months ago. It's probably -- I -- I
17 don't know.

18 Q. Okay. After that conversation with
19 Ms. Ullal, did you have any other conversations
20 with anyone at Arista about this case? 12:02:41

21 A. Other than the lawyers telling me that I
22 shouldn't have any conversations with anybody on
23 it, the answer is no.

24 Q. Which lawyers are you talking about?

25 A. Them [gesturing]. 12:02:59

1 Q. You are pointing to them -- 12:03:01

2 MR. FERRALL: That would be me.

3 Q. (By Mr. Pak) Okay. When did you speak

4 with Mr. Ferrall about this case for the first

5 time? 12:03:09

6 A. He'd know. I don't. I went down

7 maybe -- had a meeting with them in San Francisco

8 three or four months ago?

9 MR. FERRALL: You can't ask me questions
10 either. 12:03:22

11 THE DEPONENT: Jesus Christ. Who are all
12 you people? You people have better dates than I
13 do. I need a little help here, guys.

14 Q. (By Mr. Pak) Where did that meeting take
15 place? 12:03:32

16 A. At their office.

17 Q. In San Francisco?

18 A. Yes.

19 (Discussion off the stenographic record.)

20 Q. (By Mr. Pak) At that meeting, who was
21 present? 12:03:41

22 A. Another gentleman -- he was and another
23 gentleman, and I don't remember his name.

24 Q. Was anyone from Arista present?

25 A. No, they were not. 12:03:51

1 Q. Did Mr. Ferrall give you any instructions 12:03:59
2 about confidentiality of Cisco information as part
3 of this meeting?

4 A. No. I told him I -- if -- if the subject
5 came up, I told him I didn't have any confidential 12:04:08
6 Cisco information.

7 Q. In terms of questions and answers that he
8 might ask you, did he tell you not to share any
9 confidential information of Cisco with him?

10 A. No -- well, wait a minute. Wait a 12:04:18
11 minute. Wait a minute. Yes, he did. Yes, he did.
12 He said, "If you have any anything." And I said,
13 "I don't have anything."

14 Q. I'm not talking documents. I'm talking
15 about the conversations. 12:04:27

16 Did he tell --

17 A. I didn't have any conversations with
18 Cisco, so there was nothing to share.

19 Q. Did --

20 A. I have never discussed this case with 12:04:36
21 anyone at Cisco, period.

22 Q. That's not my question, Mr. Eger.

23 What I'm asking you is: Did Mr. Ferrall
24 tell you not to tell him anything that might be
25 confidential to Cisco? 12:04:50

1 whatever information you might have on the -- the 12:11:06
2 topic of the already sales efforts involving Cisco
3 that you mentioned.

4 Are you with me?

5 A. Okay. Ask me a question. 12:11:16

6 Q. Okay. So you were at Cisco from what --
7 from when to when?

8 A. I started with Cisco about the first of
9 the year in '80 -- I was hired in late '87. I
10 started early 1988. Can't tell you exactly what 12:11:33
11 day, first few days of the year, and I left four
12 years and two or three weeks later, after the stock
13 was vested.

14 Q. Okay.

15 A. And Cisco offered me a board seat, which 12:11:48
16 I declined.

17 Q. And your title during that time period
18 was what?

19 A. I was vice president of sales.

20 Now, I always use "vice president of 12:12:01
21 sales." When I first got there, I was worldwide.
22 I told them that I was not going to go to Europe to
23 hire a European guy.

24 During that period of time, I held
25 business development. I held worldwide support. 12:12:14

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1 Later on, when Chambers came in, we sort of moved 12:12:18
2 things around. I held product marketing for a
3 while, because what I did was I gave him pieces of
4 the organization as we went, and we sort of moved
5 some things around. I never reported to John. 12:12:30
6 John never reported to me.

7 Q. And I take it, sir, after you left in
8 1992, you have no factual knowledge of what Cisco
9 did in terms of developing its CLI commands or --

10 A. I have no knowledge. I have no knowledge 12:12:44
11 from before, other than what I know from the sales
12 effort that we had to support and that there were
13 tons of CLIs out there in the market.

14 Q. Okay. So I want to focus -- so let me
15 just be clear. 12:13:00

16 1987 to 1992, when you were working at
17 Cisco --

18 A. I would -- I would put me at 1988 --

19 Q. Okay.

20 A. -- because I started the first few days 12:13:07
21 in 1988.

22 Go ahead.

23 Q. So, Mr. Eger, from 1988 from 1992, while
24 you were employed at Cisco --

25 A. Right. 12:13:15

1 Q. -- you don't have any factual knowledge 12:13:16
2 of the specific CLI commands that were developed,
3 right?

4 A. That's correct.

5 Q. Okay. That wasn't your responsibility. 12:13:21

6 A. That wasn't my responsibility, nor would
7 I have had any interest.

8 Q. Again, that was -- engineering was not
9 your function?

10 A. That's correct. 12:13:29

11 Q. Okay. What's your understanding -- you
12 talked about network interoperability?

13 A. Yes.

14 Q. Okay. What is your understanding of that
15 concept? 12:13:40

16 A. Probably better than most.

17 Q. So can you state that concept onto the
18 record?

19 MR. FERRALL: Objection --

20 THE DEPONENT: When I got -- 12:13:52

21 MR. FERRALL: -- vague and ambiguous.
22 You can answer.

23 THE DEPONENT: Okay.

24 When I got to Cisco, we were a very small
25 player. The biggest player in the government 12:13:57

1 marketplace was BB&N with the Butterfly. 12:14:03

2 Ungermann-Bass had some stuff. In the marketplace,

3 there was another router company by the name of

4 Proteon that was before us that was installed in a

5 number of places like Boeing and whatever. And 12:14:17

6 then you had the bridges that were out there that

7 were the VITALinks of the world and the 3Coms of

8 the world. Okay? And we were --

9 Q. (By Mr. Pak) So let me pause you there

10 just so I understand. 12:14:33

11 So 3Com, you said, had bridges?

12 A. Yeah, well, they called them bridges.

13 Q. Okay. What --

14 A. But they were -- do you need to know the

15 difference between a router and a bridge? Is that 12:14:41

16 what we're getting into?

17 Q. So can you explain on the record what you

18 mean by a "bridge"?

19 A. Okay. The difference between a router

20 and a bridge is a router opens the packet and looks 12:14:50

21 at the network addresses and sends the packet to

22 the proper location.

23 A bridge takes the packet, sends it to

24 the other side, throws it out in the network, and

25 the devices sit there and listen and say, oops, 12:15:10

1 and coming along and saying, well, somebody now has 12:16:53
2 patented the steering wheel so we can't use it, so
3 we are going to go to a different kind of device to
4 guide the car from a user interface perspective.

5 So it was never -- it was never particularly an 12:17:10
6 issue.

7 By the way, I can read that upside down.
8 I'm a salesman. You got to change your DVD.

9 Anyway, you know --

10 Q. So let me -- let me just make sure I get 12:17:23
11 very specific about the questions and the answers.

12 VITALink, at the time, what kind of
13 equipment were they selling?

14 A. They were selling bridges.

15 Q. Okay. Proteon, what type of equipment 12:17:33
16 were they selling?

17 A. Routers.

18 Q. Okay. And --

19 A. 3Com was bridges.

20 Q. 3Com was bridges. 12:17:44

21 A. Wellfleet, it was routers. BB&N with the
22 Butterfly was routers. Ungermann-Bass was -- was a
23 rudimentary router. I can't think of anybody else
24 off the top of my head that I really ever competed
25 with big time. 12:18:03

1 Q. So I want to go through that list. 12:18:04
2 Vita- -- I think you already answered
3 this.
4 You have no factual knowledge, sitting
5 here today, whether VITALink tried to patent or 12:18:12
6 copyright its CLIs?
7 A. That is correct.
8 Q. Sitting here today, you have no knowledge
9 whether Proteon tried to copyright or patent its
10 CLI commands? 12:18:25
11 A. That's correct.
12 Q. Sitting here today, you have no knowledge
13 whether 3Com tried to copyright or patent its CLIs?
14 A. That's correct.
15 Q. Sitting here today, you have no knowledge 12:18:31
16 whether BBN [sic] tried to copyright or patent
17 CLIs?
18 A. That's collect.
19 Q. And sitting here today, you have no
20 knowledge whether Ungermann-Bass tried to copyright 12:18:38
21 or patent its CLI, correct?
22 A. Yes.
23 Q. Okay. Sitting here today, do you have
24 any specific knowledge of the various specific
25 commands that were supported by Proteon versus the 12:18:51

1 commands that were supported by BBN? Have you ever 12:18:55
2 done a comparison?
3 A. No.
4 Q. Okay.
5 A. We all supported the same things. 12:19:03
6 Q. Sitting here today --
7 A. But I don't know who created them.
8 Q. Okay. You don't know --
9 A. And -- oh, no, by the way -- by the way,
10 I don't know how many -- I -- I -- I -- I assume 12:19:10
11 you are very well aware of where the Cisco code
12 came from.
13 Q. Let me step back --
14 A. Okay.
15 Q. -- and focus on the things that we're 12:19:21
16 talking about, which is CLI commands.
17 A. Well, I'm talking about CLI commands when
18 I ask that question.
19 Q. Mr. Eger, I'm asking you, on the record,
20 whether you have done any kind of comparison -- 12:19:33
21 A. I have done none.
22 Q. Okay. -- of any of the CLI commands --
23 A. I don't have a clue who created which
24 ones.
25 Q. Okay. So you don't have a factual 12:19:42

1 understanding of how any of the commands that were 12:19:44
2 used by these companies you mentioned on the record
3 were created and how they compared to each other,
4 correct? Is that true, "yes" or "no"?

5 A. No, it's not true. 12:20:01

6 Q. Okay. Do --

7 A. Where it is true is that everybody used
8 and copied the same ones from each other. So I
9 don't know who created them, but we all used the
10 same CLIs. I don't know who created them. 12:20:17

11 Q. Did you speak with anyone at Proteon
12 about the development of their CLI?

13 A. No.

14 Q. Did you ever speak with anyone at BBN
15 about the development of their CLI? 12:20:39

16 A. No.

17 Q. Did you ever speak with anyone at
18 Ungermann-Bass about the development of their CLI?

19 A. No.

20 Q. Did you -- 12:20:48

21 A. No to all the others, but no.

22 Q. Okay. So you've never spoken with
23 anyone at --

24 A. Nobody.

25 Q. -- any of companies -- 12:20:52

1 A. Nor Cisco. 12:20:53

2 Q. -- about the development of their CLI?

3 A. That's correct.

4 Q. Okay.

5 A. Nor Arista. 12:20:59

6 Q. As you sit here today, do you know
7 whether there were, in fact, any differences in the
8 specific commands that were used between these
9 companies that you mentioned on the record?

10 A. That's -- that's too ambiguous for me to 12:21:19
11 answer.

12 Q. Okay. You don't know with certainty,
13 sitting here today, whether there were, in fact,
14 different commands that were used for the same
15 functionality? 12:21:29

16 A. I know that when we installed a box in
17 somebody else's network, that all the commands were
18 similar or worked so that people didn't call us,
19 because we didn't have the ability or the people to
20 hold the classes on how to configure our networks. 12:21:49

21 Q. Okay.

22 A. Now, that does not say that we didn't
23 teach some people who didn't have anything. But
24 existing networks, you could take a Cisco box and
25 install it, and the customer sat down and 12:22:03

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1 configured it using the same commands that they 12:22:05

2 used to configure the boxes they had before.

3 Q. Sitting here today, do you know with

4 certainty whether there were, in fact, different

5 commands that were used across these different 12:22:14

6 product lines?

7 A. No.

8 Q. Sitting here today, do you know whether

9 any of these commands that you just mentioned from

10 back in the 1987 to 1992 are still in use today in 12:22:32

11 IOS products by Cisco?

12 A. Since I coined the term "IOS," I at least

13 understand what it is.

14 Q. Not my question.

15 A. My answer. 12:22:51

16 Since I don't know what the original

17 commands were and I don't know what the current

18 commands were, it's only logical that my -- that my

19 answer is I don't know.

20 MR. PAK: All right. I apologize, 12:23:11

21 Mr. Eger. We should change our DVD, and then we

22 can continue.

23 THE DEPONENT: Go ahead.

24 MR. PAK: Great.

25 THE VIDEOGRAPHER: The time is 12:23 p.m. 12:23:20

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1 This is end of DVD No. 1, and we are going off the 12:23:21
2 record.

3 (Recess taken.)

4 THE VIDEOGRAPHER: The time is 12:31 p.m.

5 This is the beginning of DVD No. 2, and we are back 12:31:38
6 on the record.


7 MR. PAK: Welcome back, Mr. Eger.

8 THE DEPONENT: I haven't left, but go
9 ahead.

10 MR. PAK: Next exhibit I have is actually 12:31:49
11 a video exhibit. This is Exhibit No. 1112 --

12 (Exhibit 1112 was marked for identification by
13 the court reporter and is attached hereto.)

14 MR. PAK: -- which I believe is a copy of

15 
16
17 All I'm going to ask you to do is just
18 confirm that this, in fact, is you on the video and
19 that this looks to be an accurate copy.

20 (Video playing.) 12:32:14

21 THE DEPONENT: That's it. That's it.

22 MR. PAK: All right. And I believe it
23 has the Bates No. ARISTANDCA --

24 MR. FERRALL: It's on the --

25 MR. PAK: Yeah. 12:32:35

1 -- 268280, and it was produced to us from 12:32:36
2 Arista's counsel.
3 THE DEPONENT: The date on is it February
4 of what?
5 MR. FERRALL: I don't know. 12:32:48
6 Q. (By Mr. Pak) All right. Do you plan on
7 testifying at the trial?
8 A. I will do whatever they want me to do.
9 Q. Okay.
10 A. Whatever everybody wants me to do. I 12:33:18
11 understand it's in November, which is a good time
12 for me. We travel a couple of months out of the
13 year, so hopefully it doesn't screw me up.
14 But go ahead.
15 Q. Okay. Setting aside the topics that we 12:33:35
16 talked about today -- actually, let me step back.
17 The -- what -- what was the type of
18 product that you were selling for Cisco from 1988
19 to 1992?
20 A. Routers. 12:33:53
21 Q. Do you remember --
22 A. AGS, AGS Pluses, all the -- all the other
23 products. I'm a -- I was a router salesman.
24 The -- the -- the Crescendo products, the 6000s and
25 whatever that are later, came after me, so we were 12:34:06

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1 not selling -- I was not selling switches. 12:34:11

2 Q. Okay.

3 A. CGSs, all -- all the -- the router line,
4 which is now, I believe, the smaller part of
5 Cisco's business. 12:34:33

6 Q. We talked about some of the companies
7 that were in this space.

8 Can you think of any other companies that
9 were in the router business in 1988 to 1992?

10 A. Well, that -- that's -- that's sort of 12:34:49
11 hard to answer because, you know, we were what they
12 called a "multiprotocol router." And, of course,
13 you can put a multiprotocol router in a network and
14 you could put a bridge in a network that had
15 multiprotocols, because all it did was took packets 12:35:05
16 from one side and moved them to the other.

17 Digital had a router that was decknet
18 only. So, I mean, you know, there were other
19 products that I didn't see very often.

20 Q. Who -- who would you consider to be the 12:35:23
21 primary competitors of Cisco from 1988 to 1992 for
22 your product lines?

23 A. Well, when I got there, it was -- it was
24 probably, more than anything else, from a bridge
25 perspective -- 3Com had been installed earlier. 12:35:37

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1 VITALink was doing much, much better than 3Com, so 12:35:44
2 when I normally saw an opportunity, I saw VITALink.
3 The other two that I saw were Proteon and
4 Wellfleet. Proteon was older and had a more mature
5 product. Wellfleet was the up-and-comer. 12:36:04
6 Wellfleet had better hardware than we had. Their
7 software wasn't as mature.
8 Q. Do you recall whether Wellfleet had a
9 graphical user interface for its --
10 A. No, I do not. I don't know anything -- 12:36:16
11 before you ask me about all of them --
12 Q. Yeah.
13 A. -- I don't know anything about -- I -- I
14 never ever configured a box by anybody or looked
15 at -- including Cisco, and I never looked at 12:36:27
16 anybody's interfaces. I don't have a clue.
17 Q. Are you aware that, today, Cisco does
18 have classes on its --
19 A. There --
20 Q. -- configuration? 12:36:42
21 A. -- there is no question, and -- and --
22 and what we had at the time was -- we were hiring
23 people, and we would actually take -- excuse me.
24 We would actually take the customers who didn't
25 have router experience or network experience and 12:36:55

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1 they would actually come to the class where there 12:36:57
2 were support people and sometimes a salesperson or
3 two in the class. You know, we'd hold one every 90
4 days or six months or -- when we had -- when we had
5 20 people we could put in a room. 12:37:11

6 Q. Do you recall whether -- I believe it is
7 called "CCIE."

8 Was that something that was in existence
9 at the time that you were at Cisco?

10 MR. FERRALL: Lacks foundation. 12:37:21

11 THE DEPONENT: I -- can I -- can I ask
12 what that is?

13 Q. (By Mr. Pak) It's basically a
14 certification -- Cisco certification program?

15 A. I do not believe that there was a Cisco 12:37:31
16 certification program there when I was there. I
17 believe that that happened af- -- long after I
18 left.

19 I mean, look, you are back to the days of
20 where people -- you get in and people talk about 12:37:51
21 certification and resellers and -- and service
22 providers. The service providers, in my day, were
23 the universities. We had -- the Internet was --
24 was MCI lines with IBM RTs and 13 points of
25 presence, which were the major universities. Okay? 12:38:12

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